

House File 364 - Introduced

HOUSE FILE 364

BY WOLFE and GASKILL

A BILL FOR

1 An Act enhancing penalties for a second offense of domestic
2 abuse assault in certain circumstances.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 708.2A, subsections 2 and 3, Code 2015,
2 are amended to read as follows:

3 2. ~~On~~ Except as provided in subsection 5, on a first offense
4 of domestic abuse assault, the person commits:

5 a. A simple misdemeanor for a domestic abuse assault, except
6 as otherwise provided.

7 b. A serious misdemeanor, if the domestic abuse assault
8 causes bodily injury or mental illness.

9 c. An aggravated misdemeanor, if the domestic abuse assault
10 is committed with the intent to inflict a serious injury upon
11 another, or if the person uses or displays a dangerous weapon
12 in connection with the assault. This paragraph does not apply
13 if section 708.6 or 708.8 applies.

14 d. An aggravated misdemeanor, if the domestic abuse assault
15 is committed by knowingly impeding the normal breathing or
16 circulation of the blood of another by applying pressure to the
17 throat or neck of the other person or by obstructing the nose
18 or mouth of the other person.

19 3. Except as otherwise provided in subsection ~~2~~ 5, on a
20 second domestic abuse assault, a person commits:

21 a. A serious misdemeanor, if the first offense was
22 classified as a simple misdemeanor, and the second offense
23 would otherwise be classified as a simple misdemeanor.

24 b. An aggravated misdemeanor, if either the first offense
25 was not classified as a simple ~~or aggravated~~ misdemeanor,
26 ~~and~~ or the second offense would not otherwise be classified
27 as a ~~serious~~ simple misdemeanor, ~~or the first offense was~~
28 ~~classified as a serious or aggravated misdemeanor, and the~~
29 ~~second offense would otherwise be classified as a simple or~~
30 ~~serious misdemeanor.~~

31

EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
33 the explanation's substance by the members of the general assembly.

34 This bill enhances penalties for a second offense of
35 domestic abuse assault in certain cases.

1 Under current law, the penalty for a second domestic abuse
2 assault that would otherwise be a simple misdemeanor is
3 enhanced to an aggravated misdemeanor if the first domestic
4 abuse assault was a serious or aggravated misdemeanor. The
5 penalty for a second domestic abuse assault that would
6 otherwise be a serious misdemeanor is enhanced to an aggravated
7 misdemeanor if the first domestic abuse assault was a simple,
8 serious, or aggravated misdemeanor.

9 The bill provides that the penalty for a second domestic
10 abuse assault that would otherwise be a simple or serious
11 misdemeanor is enhanced to an aggravated misdemeanor if the
12 first domestic abuse assault was not classified as a simple
13 misdemeanor, which would include classification as a class "D"
14 felony under Code section 708.2A(5). Code section 708.2A(5)
15 provides that a domestic abuse assault committed by knowingly
16 impeding the normal breathing or circulation of the blood of
17 another by applying pressure to the throat or neck of the other
18 person or by obstructing the nose or mouth of the other person,
19 and causing bodily injury, is a class "D" felony.

20 An aggravated misdemeanor is punishable by confinement for
21 no more than two years and a fine of at least \$625 but not more
22 than \$6,250.